



DEPARTMENT OF PERSONNEL
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MEMO PERD #47/05
November 7, 2005

TO: Designees for Rules Distribution
FROM: Jeanne Greene, Director
Department of Personnel
SUBJECT: Regulation Changes – Chapter 284

Enclosed are the new and amended regulations that were adopted by the Personnel Commission on September 23, 2005. These regulations became effective October 31, 2005, the date they were filed with the Secretary of State. The revisions appear in bold and italic type.

When these regulations have been codified, replacement pages for the Rules for Personnel Administration will be distributed.

Please advise all administrators and personnel representatives of these changes, as appropriate. You may wish to reproduce these pages and distribute them to all personnel rule recipients. These revisions are also available on the Department of Personnel website at www.state.nv.us/personnel.

If you have questions or concerns, please feel free to contact Shelley Blotter, Chief, Technical Services at 775-684-0105.

JG:sq

cc: Agency Personnel Liaisons
Agency Personnel Representatives

NEW SECTION: Extension of time to file grievance.

1. *Except as otherwise provided in subsection 3, the time limit for filing a grievance and for taking any other action required by either party at any step in the grievance procedure may be extended by the mutual agreement of the employee who may file the grievance and the appointing authority or his designated representative.*
2. *An agreement to an extension of time entered into pursuant to subsection 1 must be:*
 - (a) *Made in writing on a form prescribed by the Department of Personnel; and*
 - (b) *Signed by:*
 - (1) *The employee; and*
 - (2) *The appointing authority or his designated representative.*
3. *The provisions of this section do not apply to a grievance that has been submitted to the Committee.*

NEW SECTION: Lack of promotional candidates

For the purposes of NAC 284.295, 284.360 and 284.367, a class may be designated in the classification plan as class for which applicants for promotion are not normally available if the class has historically had less than five applicants for promotion available from within the state service.

NEW SECTION: "Trainee Level" defined

"Trainee Level" means the level of performance within an occupational specialty at which an employee is in the process of acquiring the knowledge, skills and abilities to perform at the journey level.

NAC 284.063 "Entry level" defined. (NRS 284.065) *"Entry level" means a class in which supervision is not a required duty or responsibility of the positions allocated to the class. The term includes any trainee level and the journey level.*

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

NAC 284.069 "Journey level" defined. (NRS 284.065) *"Journey level" means the level of performance within an occupational specialty that requires a degree of knowledge and proficiency sufficient to perform work independently with little or no additional training.*

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

NAC 284.182 Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date. (NRS 284.065, 284.155, 284.175)

1. An employee receives a new pay progression date if he is:
 - (a) Promoted to a position that results in an increase of two grades or more; or
 - (b) Reinstated.
2. An employee *who* is:
 - (a) Promoted to a position that results in an increase of one grade;
 - (b) In a position that is reclassified to a higher class as a result of an individual classification study or an occupational study;
 - (c) Transferred to a position without receiving an increase in grade;
 - (d) Reappointed to a position at a grade that he formerly held;
 - (e) Reemployed and has remained continuously employed; or
 - (f) Demoted

retains the pay progression date he held before the action described in paragraphs (a) to (f), inclusive, occurred.

3. If a person who is eligible for military reemployment is reemployed, he retains the pay progression date held when he separated from this State for his service in the military.
4. If an employee was promoted but is being restored to his former position pursuant to the provisions of NAC 284.462, the date of appointment and pay progression date of the former position must be restored.
5. Except as otherwise provided in this subsection *and subsection 6*, an employee's pay progression date must be adjusted:
 - (a) To equal 1 year of full-time equivalent service for an employee who changes from full-time employment to part-time employment or from part-time employment to full-time employment; or
 - (b) On a day-for-day basis for the amount of time the employee:
 - (1) *Was separated* from State service *if the employee is reemployed* within 1 year after the date on which he was laid off or received a seasonal separation.
 - (2) *Was separated from State service if the employee is* a person with a permanent disability arising from a disability related to work who is reemployed within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013.
 - (3) *Was on leave without pay, or on catastrophic leave, if the employee is:*
 - (I) A nonexempt employee *and the* leave without pay *or* catastrophic leave *was* in excess of 240 hours; or
 - (II) An exempt classified employee *and the* leave without pay *or* catastrophic leave *was* in excess of 30 working days, in a year, except for leave without pay for a work-related injury or illness pursuant to NRS 281.390 or on a military leave of absence pursuant to NRS 284.359 or a leave of absence without pay during a fiscal emergency pursuant to NAC 284.580. An employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his pay class designation. As used in this subparagraph, "year" means a period equal to 12 months of full-time equivalent service measured backward from the employee's pay progression date.
6. *If the number of total hours of leave without pay or catastrophic leave of a nonexempt employee that exceed 240 hours is less than one day of full-time equivalent service for the pay class designation of the employee, an adjustment will not be made for those hours.*
7. *If an employee is on leave without pay, or on catastrophic leave, on his pay progression date, any adjustment to his pay progression date will be made after he returns to work.*

[Personnel Div., Rule III part § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 8-22-86; 4-19-88; 7-21-89; 10-18-89; 3-27-92; 7-6-92; 9-16-92; 11-16-95; 3-1-96; 10-27-97; 10-27-97; R043-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R182-03, 1-27-2004)

NAC 284.210 Differential rate of pay for qualifying shift. (NRS 284.065, 284.155, 284.175)

1. As used in this section:
 - (a) "Differential rate of pay" means an adjustment in pay equivalent to an additional 5 percent of an employee's normal rate of pay.
 - (b) "Qualifying shift" means a period of work of 8 hours or more, of which 4 hours must fall between the hours of 6 p.m. and 7 a.m. *The term includes, without limitation, a period of work of 8 hours that is reduced to 7 hours because of a change of time to daylight saving time.*
2. An employee is eligible for the differential rate of pay if he works in a unit which provides services requiring multiple shifts within a 24-hour period and he is:
 - (a) A nonexempt employee in the classified service who works:
 - (1) A qualifying shift; or

- (2) Any shift of at least 8 hours that is other than a qualifying shift plus 4 or more hours between 6 p.m. and 7 a.m. In such cases, an employee must receive the differential rate of pay for only the hours worked between 6 p.m. and 7 a.m.
 - (b) An exempt classified employee assigned to a qualifying shift. In such cases, an employee must receive the differential rate of pay for all his regularly scheduled hours of employment on that workday.
3. If an employee is assigned to a qualifying shift when he is on paid leave or a holiday occurs, he must receive the differential rate of pay for that shift.
4. ***Except as otherwise provided in subsection 3, if a nonexempt employee in the classified service is assigned to a qualifying shift and the employee is not in paid status for the entire period of that shift, the employee must receive the differential rate of pay for the portion of the shift in which he is in paid status.***
5. A nonexempt employee in the classified service who works overtime pursuant to NRS 284.180 in conjunction with a qualifying shift must be paid overtime at the differential rate of pay.
[Personnel Div., Rule III § I, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, eff. 12-17-87; 7-21-89; 3-23-94; 10-27-97; R031-98, 4-17-98; A by Personnel Comm'n by R065-98, 7-24-98; A by Dep't of Personnel by R098-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R069-02, 8-14-2002)

NAC 284.295 Determining type of recruitment. (NRS 284.065, 284.155, 284.295)

1. The Department of Personnel will determine the type of recruitment based on:
 - (a) The number of current or anticipated vacancies;
 - (b) The anticipated number of applicants; and
 - (c) The recommendations or requests of the appointing authority.
2. Except as otherwise provided in subsection 3, a recruitment must be restricted to one or a combination of these groups in the following order of priority:
 - (a) Applicants for promotion from within the division where the vacancy exists.
 - (b) Applicants for promotion from within the department where the vacancy exists.
 - (c) Applicants for promotion from throughout state service.
 - (d) Applicants for appointment from open competition.If a recruitment includes more than one promotional group, any group with a higher priority must be included and receive preference.
3. Recruitment may be open competitive, or limited to or combined with any one or more of the promotional groups listed in subsection 2 if:
 - (a) The appointing authority certifies in writing to the Department of Personnel that, in accordance with the provisions of NAC 284.297, it is in the best interest of the agency to expand the recruitment to allow other groups to compete equally; or
 - (b) The class is designated in the classification plan as:
 - (1) Entry level because it is not a normal progression from another class; or
 - (2) **A class** for which applicants for promotion are not normally available.
4. The provisions of this section do not prohibit the Department of Personnel or its designee from conducting a recruitment in anticipation of a vacancy.

(Added to NAC by Dep't of Personnel, eff. 4-20-90; A by Personnel Comm'n by R183-03, 1-27-2004)

NAC 284.360 Reemployment lists; certification or waiver of lists. (NRS 284.065, 284.155, 284.250)

1. Upon receipt of the appropriate form from an appointing authority for a list of eligible candidates in a specific class, the Department of Personnel will verify the availability of a reemployment list for that class. If a reemployment list is available, the Department of Personnel will provide the reemployment list to the appointing authority. Eligible persons who appear on reemployment lists are ranked in order of seniority. Except as otherwise provided in subsection 2 of NAC 284.6017, placement on a reemployment

list will be determined using the criteria governing the determination of seniority for layoff pursuant to NAC 284.632.

2. If there is no reemployment list available, the Department of Personnel will, in accordance with subsections 3 and 4, certify the names of eligible person on ranked or unranked lists, or waive the list.
3. The names of eligible persons on ranked lists will appear in the order of the total rating which they earned in the examination, including preferences for veterans and residents.
4. The Department of Personnel may certify a list of eligible applicants who are not ranked, or may waive the list for:
 - (a) A class that is grade 20 or below;
 - (b) A class designated in the classification plan as entry level; or
 - (c) A class *designated in the classification plan as a class for* which applicants for promotion are not normally available.
5. Eligible persons who have requested a transfer and persons with disabilities who are eligible for temporary limited appointments pursuant to NAC 284.364 will be certified on the same list as other eligible persons and may be considered at the option of the appointing authority.
6. Only an eligible person who has indicated his willingness to accept the location of the vacancy and the other conditions of employment will be certified.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A by Personnel Comm'n by R183-03, 1-27-2004)

NAC 284.367 Promotional lists: Use; order of names. (NRS 284.065, 284.155, 284.250)

1. If a promotional list of eligible persons is used to fill a vacancy after the initial recruitment:
 - (a) The recruitment which created the list must have been open to employees of the appointing authority which requests the list; and
 - (b) The order of names must be changed to reflect the priority prescribed by NAC 284.358.
2. Certification may be made from the names highest on the list after promotional or promotional and open lists for the class are combined if either of the following occurs:
 - (a) The appointing authority certifies in writing to the Department of Personnel that, in accordance with the provisions of NAC 284.297, it is in the best interest of the agency to expand the certification to allow eligible persons from other groups to be considered on the basis of merit.
 - (b) One or more promotional lists exist for a class which otherwise qualifies for open competition because the class is designated in the classification plan as entry level or *as a class* which normally has a lack of promotional candidates.

If lists are combined, the names on the list must be in order of merit.

3. At the request of an appointing authority, one or more promotional lists must be established from an existing open competitive list and certified for a vacancy.
4. A list of eligible persons established from a recruitment in which the order of priority was changed must not be certified in that order for a new vacancy unless the appointing authority complies with the provisions of paragraph (a) of subsection 2. These names will be used to establish one or more lists as may be appropriate.

(Added to NAC by Dep't of Personnel, eff. 6-18-86; A 4-20-90)—(Substituted in revision for NAC 284.379)

NAC 284.490 Reimbursement or prepayment for training or education. (NRS 284.343)

1. If an employee receives approval to take training or education that he requested to take, including, without limitation, a course or workshop:
 - (a) The employing agency may reimburse the employee for the expense of the training or education only after his successful completion of the training; or
 - (b) The employing agency may elect to prepay the cost of the training or education.

2. An employing agency may enter into an agreement with an employee requiring the employee to repay any money paid to him or on his behalf for the cost of training or education if:
 - (a) The employee fails to complete the training successfully; or
 - (b) Within 1 year after the successful completion of training or education that is not required by his job, the employee terminates his employment with the agency.Any repayment from wages owed *by the employee* must not be taken from any payment for overtime owed to the employee and must not reduce the pay of the employee below the minimum wage required by federal law.
3. For the purposes of this section, “successful completion of training and education” means:
 - (a) Receiving a grade of C or better;
 - (b) Receiving a passing grade if the students are designated only as passing or failing the course;
 - (c) Receiving a certificate of completion; or
 - (d) Receiving other evidence of completion as predetermined by the appointing authority.[Personnel Div., Rule X § D, eff. 1-18-82]—(NAC A by Dep’t of Personnel, 10-26-84; R082-00, 8-2-2000)

NAC 284.5405 Annual leave: Credit upon reinstatement, rehiring, reemployment or transfer. (NRS 284.065, 284.155, 284.345, 284.350)

1. Except as otherwise provided in this section, any employee who returns to state service following a separation is eligible to accrue annual leave based on his total service with the State after he has completed 3 years of continuous service. The employee must requalify after each break in service.
2. An employee who is rehired within 1 year after being laid off accrues annual leave at a rate based on his total state service. He may use his annual leave immediately upon accruing it if he has completed *a total of 6* months of employment.
3. An employee with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 accrues annual leave at a rate based on his total state service. He may use his annual leave immediately upon accruing it if he has completed *a total of 6* months of employment.
4. An employee who is rehired within 1 year after being laid off is entitled to buy back the balance of the annual leave for which he received payment in a lump sum on the date of the layoff. The rate of pay at which he is rehired applies to the buying back of annual leave.
5. An employee with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 is entitled to buy back the balance of the annual leave for which he received payment in a lump sum at the time of separation. The rate of pay at which he is reemployed applies to the buying back of annual leave.
6. If an employee who was laid off before completing 6 months of employment is rehired within 1 year after his layoff, the amount of the unpaid annual leave he had earned before the layoff must be restored to him.
7. If a person eligible for military reemployment is reemployed, he accrues annual leave at the rate which he would have earned if he had not left state service.
8. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority, the balance of his annual leave is charged to the agency to which he is appointed.
9. If a nonclassified employee, an unclassified employee of the *Nevada System of Higher Education* or an employee included in the State Personnel System pursuant to NRS 284.022 is appointed without a break in service to the classified or unclassified service, his annual leave must be recomputed to reflect the amount that would have accrued to him as a classified or unclassified employee less any annual leave which he used during his nonclassified, *Nevada System of Higher Education* or governmental agency employment, and the remaining balance will be transferred to the new appointment. The amount of annual leave transferred

by the employee pursuant to this subsection may not exceed the maximum amount which is permitted by the classified or unclassified rate of accrual as set forth in NRS 284.350 and NAC 284.538. The agency to which the employee is appointed is not responsible for payment of any annual leave in excess of the amount which is transferable. It is the responsibility of the employee who is transferring annual leave to seek payment of any excess amount of annual leave remaining to his credit from his former employer.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-19-88; 3-27-92; 11-12-93; 3-1-96; R031-98, 4-17-98; A by Personnel Comm'n by R096-03, 10-30-2003)

NAC 284.598 Breaks in continuous service. (NRS 284.065, 284.155) The following are not breaks in continuous service:

1. Authorized military leave for active service if the person is reemployed within 90 calendar days after an honorable discharge from military service.
2. Separation because of layoff if a former employee is *reemployed* within 1 year after the date he was laid off.
3. Reemployment of a seasonal employee within 1 year after the end of the previous seasonal appointment.
4. Separation because an employee sustained a permanent disability arising from a disability related to work, if the former employee was reemployed not later than 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013.

[Personnel Div., Rule VII § H, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 8-26-83; 4-19-88; 3-1-96)

NAC 284.658 "Grievance" defined. (NRS 284.065, 284.155, 284.384)

1. As used in NAC 284.341 and 284.658 to 284.697, inclusive, *and section 1 of this regulation*, a "grievance" means an act, omission or occurrence which a permanent employee feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement. The act, omission or occurrence must be established with factual information including, but not limited to, the date, time and place of the act, omission or occurrence and the names of other persons involved.
2. For the purposes of NAC 284.341 and 284.658 to 284.697, inclusive, *and section 1 of this regulation*, the term "grievance" does not include any grievance for which a hearing is provided by NRS 284.165, 284.376 or 284.390.

[Personnel Div., Rule XV part § A, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 8-28-85; 10-18-89; 8-1-91; 3-27-92; R082-00, 8-2-2000)

NAC 284.678 Statement of grievance: Contents; time to file. (NRS 284.065, 284.155, 284.384)

1. Except as otherwise provided in subsection 3 *and section 1 of this regulation*, an employee who feels aggrieved and wishes to file a formal grievance must submit his grievance in writing to his immediate supervisor on the official form, or in a letter if the official form is not available, within 20 working days after the date of the origin of the grievance or the date the employee learns of the problem. The parties should make every effort to resolve the grievance through informal discussions within these 20 working days.
2. If the employee submits a letter, it must include:

- (a) His name;
 - (b) His most recent date of hire;
 - (c) His position;
 - (d) His department, division and section;
 - (e) His mailing address;
 - (f) His business telephone number;
 - (g) A statement that he is filing a formal grievance;
 - (h) The date, time and place of the event or the date the employee learns of the event leading to the grievance;
 - (i) A concise statement of his grievance;
 - (j) A detailed description of his grievance, including the names of other persons involved in the event, if any;
 - (k) A proposed solution of his grievance;
 - (l) His signature; and
 - (m) The date he signed the statement.
3. ***Except as otherwise provided in section 1 of this regulation, if*** a grievance relates to a decision of a reviewing officer about a performance evaluation, an employee must file a grievance that identifies the specific points of disagreement, if such specificity is provided, not later than 10 working days after the date the employee receives the decision of the reviewing officer. ***Except as otherwise provided in section 1 of this regulation, if*** the grievance relates to the failure of a reviewing officer to respond to a request for a review within the time required by NAC 284.470, an employee must file a grievance not later than 10 working days after the date on which the time for such a response expired. A grievance filed pursuant to this subsection must be filed with:
- (a) The appointing authority; or
 - (b) If the appointing authority is the immediate supervisor of the employee or the reviewing officer, the person who is at the next level of the grievance process.

[Personnel Div., Rule XV § A part subsec. 1, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 3-23-94; R197-99, 1-26-2000)

NAC 284.682 Appeal of grievance to higher level. (NRS 284.065, 284.155, 284.384)

1. If the correction of the matter under appeal is beyond the control of a level of supervision contemplated in this procedure or if the Department of Personnel determines that the submission of the grievance to the supervisor would be a useless act, the aggrieved employee may appeal directly to the next appropriate level.
2. ***Except as otherwise provided in section 1 of this regulation, an*** employee has 10 working days to refer his grievance to the next level after:
 - (a) He receives notification of the action; or
 - (b) The passage of 10 working days after his grievance is deemed to have been received, whichever occurs first, at each step in the procedure.

[Personnel Div., Rule XV § A part subsec. 1, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R065-98, 7-24-98)

NAC 284.686 Presentation of grievance to head of division. (NRS 284.065, 284.155, 284.384)

1. *Except as otherwise provided in section 1 of this regulation, if*, within 10 working days after the employee's grievance is deemed to have been received by his immediate supervisor, the employee has not received satisfactory relief, he may forward the grievance to the head of the major division of the department in which he works. In those cases where a department is not subdivided into divisions, he may forward his request directly to the highest administrator in the department.
2. Additional managers or supervisors may become involved or a review committee may make a recommendation to the administrator of the agency.

[Personnel Div., Rule XV § A subsecs. 2 & 3, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; A by Personnel Comm'n by R065-98, 7-24-98)

NAC 284.690 Filing of grievance with administrator of department. (NRS 284.065, 284.155, 284.384)

1. If the employee has not received satisfactory relief within 10 working days after his grievance is deemed to have been received by the head of the division, he may file his grievance with the highest administrator of the department. *Except as otherwise provided in section 1 of this regulation, the* administrator may hold a hearing within 10 working days after receiving the employee's grievance.
2. *Except as otherwise provided in section 1 of this regulation, the* highest administrator may render a decision following the hearing or allow the grievance to be forwarded directly to the Committee within 10 working days.
3. In rendering a decision concerning a performance evaluation, an administrator shall address the findings of fact to the specific points of disagreement referred to in the grievance of the employee.
4. Within the established time limitations, *including any extensions to those time limitations obtained pursuant to section 1 of this regulation*, the highest administrator may appoint a person or committee composed of managers and employees to assist in the finding of facts and recommending a course of action.

[Personnel Div., Rule XV § A subsec. 4, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; A by Personnel Comm'n by R065-98, 7-24-98)

NAC 284.696 Unlawful discrimination. (NRS 284.065, 284.155, 284.384)

1. An employee alleging unlawful discrimination based on any pertinent state or federal law or regulation may:
 - (a) Report the alleged discrimination to:
 - (1) *The division of the Department of Personnel that investigates sexual harassment and discrimination;*
 - (2) *The Attorney General;*
 - (3) *The employee's appointing authority;*
 - (4) *An equal employment opportunity officer;*
 - (5) *A personnel representative of the department in which the employee is employed; or*

- (Added to NAC by Dep't of Personnel, eff. 10-26-84; A 9-16-92; 11-16-95)

1. The following types of information, which are maintained by the Department of Personnel or the Personnel office of an agency, are confidential:
 - (a) Information relating to salaries paid in other than governmental employment which is furnished to the Department of Personnel on the condition that the source remain confidential;
 - (b) Any document which is used by the Department of Personnel or an agency in negotiations with employees or their representatives which has not been made public by mutual agreement;
 - (c) The rating and remarks concerning an applicant by the individual members of the board or assessors of a center for assessment;
 - (d) ***Any document which is used by the Department of Personnel or an agency in the process of interviewing an applicant, including, without limitation, a document containing interview questions, evaluation tools used for rating applicants and any notes concerning an applicant that were taken by a person as part of the process of rating an applicant;***
 - (e) Materials used in examinations, including suggested answers for oral examinations;
 - (f) Records and files maintained by the Employee Assistance Program;
 - (g) Reports by employers, appointing authorities or law enforcement officials concerning the hiring, promotion or background of applicants, eligible persons or employees;
 - (h) The class title and agency of an employee whose name is excluded from the official roster, as provided in subsection 3 of NAC 284.714, when an inquiry concerning the employee is received;
 - (i) Any information contained on a person's application or relating to his status as an eligible person; and
 - (j) Information in the file or record of employment of a current or former employee which relates to his:
 - (1) Performance;
 - (2) Conduct, including any disciplinary actions taken against him;
 - (3) Race, ethnic identity or affiliation, sex, disability or date of birth;
 - (4) Home telephone number; or
 - (5) Social Security number.
2. If the employee has requested that his personal mailing address be listed as confidential, his file must be so designated and list his business address.
3. The name of any beneficiary of an employee contained in the payroll document must not be released to anyone unless:
 - (a) The employee dies; or
 - (b) The employee signs a release.

4. Any records in the possession of the Committee on Catastrophic Leave created pursuant to NRS 284.3627 that reveal the health, medical condition or disability of a current or former employee or a member of his immediate family are confidential.
5. Any notes, records, recordings or findings of an investigation conducted by the Department of Personnel relating to sexual harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority are confidential.

[Personnel Div., Rule XVI part § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 7-21-89; 7-6-92; 11-12-93; R058-01, 9-6-2001; R068-03; A by Personnel Comm'n by R182-03, 1-27-2004)

NAC 284.726 Access to confidential records. (NRS 284.065, 284.155, 284.335, 284.407)

1. Except as otherwise provided in this subsection, access to materials for an examination and information relating to an applicant or eligible person which are relevant to an appointing authority's decision to hire that person is limited to the appointing authority or his designated representative. If the name of the applicant is not disclosed and the information is used for the purposes of subparagraph 2 of paragraph (a) of subsection 1 of NAC 284.204, information relating to the education and experience of an applicant may be made available to any affected applicant, employee or the designated representative of either.
2. Except as otherwise provided in subsection 3, access to an employee's file of employment containing any of the items listed in paragraphs (g) to (j) inclusive, of subsection 1 of NAC 284.718 is limited to:
 - (a) The employee.
 - (b) The employee's representative when a signed authorization from the employee is presented or is in his employment file.
 - (c) The appointing authority or a designated representative of the agency by which the employee is employed.
 - (d) The Director or his designated representative.
 - (e) An appointing authority, or his designated representative, who is considering the employee for employment in his agency.
 - (f) Persons who are authorized pursuant to any state or federal law or an order of a court.
 - (g) The State Board of Examiners if the Board is considering a claim against the State of Nevada filed pursuant to chapter 41 of NRS which involves the employee.
 - (h) Persons who are involved in processing records for the transaction of business within and between state agencies
 - (i) Persons who are involved in processing records for the transaction of business that is authorized by the employee.
3. Information concerning the health, medical condition or disability of an employee or a member of his immediate family must be kept separate from the employee's file in a locked cabinet. Except as otherwise provided for in subsection 6, access to such information is limited to the employee, his current supervisor, and the appointing authority or his designated representative.
4. Except as otherwise provided by specific statute, records maintained by the Employee Assistance Program must not be released without written permission signed by the employee to whom the records pertain.
5. Upon request, the Department of Personnel will provide the personal mailing address of any employee on file with the Department to the State Controller's Office and the Internal Revenue Service.
6. The Director or the appointing authority, or his designated representative, shall authorize the release of any confidential records under his control which are requested by the Committee, a hearings officer, the Commission, the Committee on Catastrophic Leave created pursuant to NRS 284.3627, the Nevada Equal Rights Commission or a court. If the Director or his designated representative determines that the release of any confidential record is not necessary for those purposes, the decision may be appealed.

[Personnel Div., Rule XVI part § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 9-30-88; 7-21-89; 8-14-90; 7-6-92; 3-23-94; R042-99, 9-27-99; R082-00, 8-2-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm'n by R068-03, 10-30-2003)